



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

January 15, 2025

BY ECF

The Honorable Arun Subramanian
United States District Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Pinkela v. Austin et al.*,
No. 24 Civ. 7853 (AS)

Dear Judge Subramanian:

This Office represents defendants Lloyd J. Austin III, Christine Wormouth, and the U.S. Department of Defense (collectively, the “government”) in the above-referenced matter, in which an initial telephonic conference is presently scheduled for Tuesday, January 21, 2025, at 11:00 a.m., and the parties’ joint pre-conference letter and proposed case management plan are due today, Wednesday, January 15, 2025. (ECF No. 9). Respectfully, we write on behalf of the parties to request that the Court adjourn the initial conference and endorse the parties’ proposed briefing schedule for the government’s anticipated motion to dismiss the complaint.

The government’s present deadline to answer or otherwise respond to the complaint is Friday, January 24, 2025, after the conference would be held. The parties request adjournment of the conference because the government intends to move to dismiss in lieu of filing an answer. Accordingly, the parties believe that holding an initial conference—at which, in accordance with Paragraph 4.D of the Court’s Individual Practices, the Court would “set a schedule for the case,” including deadlines “to complete all discovery” and “for the filing of any motions for summary judgment”—would be premature.

The parties further request that the Court endorse the following schedule for briefing on the government’s motion, which would include an extension of the government’s time to respond to the complaint:

- Friday, February 21, 2025: Government’s motion to dismiss
- Monday, March 31, 2025: Plaintiff’s opposition
- Monday, April 14, 2025: Government’s reply

We thank the Court for its consideration of these requests.

Respectfully submitted,

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cc: *Plaintiff's counsel* (by ECF)

The Court does not adjourn deadlines or conferences pending anticipated motions to dismiss. The parties should meet and confer and make the required joint submissions by **January 17, 2025 at 5:00 PM**. However, the Court adopts the proposed schedule for motion-to-dismiss briefing. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 17.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: January 16, 2025